

REMARKS

By the above amendment in the accompanying RCE, features of claim 5 have been incorporated into each of the independent claims of this application, i.e., claims 1, 2, 3, 4, 11, 12, 13 and 24, with claim 5 being canceled. Additionally, the claims have been amended to clarify and recite other features of the present invention, as will be discussed below. Furthermore, an Information Disclosure Statement is submitted and consideration of the documents is requested.

Applicants note that the Examiner has indicated that claims 15 and 17 - 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 15 and 17 - 19 have been retained in dependent form at this time, and applicants submit that the parent claims from which these claims depend should be in condition for allowance, as will be discussed below.

The rejection of claims 1 - 5 and 11 - 14 under 35 USC 102(e) as being anticipated by Usui et al (5,465,102); the rejection of claims 6 - 10, 16 and 20 - 23 under 35 USC 103(a) as being unpatentable over Usui et al in view of Uehara et al (6,329,980); and the rejection of claim 24 under 35 USC 103(a) as being unpatentable over Usui et al in view of Shimomura et al (5,406,305); such rejections are traversed insofar as they are applicable to the present claims and reconsideration and withdrawal of the rejections are respectfully requested.

As to the requirements to support a rejection under 35 USC 102, reference is made to the decision of In re Robertson, 49 USPQ 2d 1949 (Fed. Cir. 1999), wherein the court pointed out that anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claim is found, either expressly or inherently

described in a single prior art reference. As noted by the court, if the prior art reference does not expressly set forth a particular element of the claim, that reference still may anticipate if the element is "inherent" in its disclosure. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Moreover, the court pointed out that inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

With regard to the requirements to support a rejection under 35 USC 103, reference is made to the decision of In re Fine, 5 USPQ 2d 1596 (Fed. Cir. 1988), wherein the court pointed out that the PTO has the burden under '103 to establish a prima facie case of obviousness and can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. As noted by the court, whether a particular combination might be "obvious to try" is not a legitimate test of patentability and obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. As further noted by the court, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

Furthermore, such requirements have been clarified in the recent decision of In re Lee, 61 USPQ 2d 1430 (Fed. Cir. 2002) wherein the court in reversing an obviousness rejection indicated that deficiencies of the cited references cannot be

remedied with conclusions about what is "basic knowledge" or "common knowledge".

The court pointed out:

The Examiner's conclusory statements that "the demonstration mode is just a programmable feature which can be used in many different device[s] for providing automatic introduction by adding the proper programming software" and that "another motivation would be that the automatic demonstration mode is user friendly and it functions as a tutorial" do not adequately address the issue of motivation to combine. This factual question of motivation is immaterial to patentability, and could not be resolved on subjected belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher."... Thus, the Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion. (emphasis added)

Applicants note that in accordance with the present invention, as previously recited in claim 5 of this application, and as illustrated in Fig. 4 of the drawings of this application, a correction circuit is provided which generates a correction signal to at least one of add a luminance that enables cancellation of a luminance deficit caused by a response delay in a display module if a gradation level of an N-th frame gradation signal is greater than a gradation level of an (N-1)-th frame gradation signal and subtract a luminance that enables cancellation of a luminance surplus caused by a response delay in the display module if the gradation level of the N-th frame gradation signal is less than the gradation level of the (N-1)-th frame gradation signal. These features are illustrated in Figure 4 of the drawings of this application and are described at page 16, et. seq. of the specification of this application. By the present amendment, at least one of the features of the generation of correction signal to add a luminance or to subtract a luminance is set forth in each of the independent claims of this application.

In setting forth the rejection of the claims based upon Usui et al, the Examiner with respect to the features of claim 5, for example, contends that "Usui et al teach a correction circuit (5) for decreasing a degradation level of a current image signal if the current image signal is less than the previous image signal (see Figures 5 - 6, 8; abstract; column 5, lines 31 - 68 and column 6, lines 1 - 13)". Contrary to the Examiner's contention, applicants submit that Usui et al discloses, in connection with Figures 4 and 5 at columns 5 and 6 thereof, that gray scale data greater than the gray scale of the current video signal is generated when a comparison result indicates that the gray scale of the current video signal is greater than that of the previous video signal, and gray scale data smaller than the gray scale of the current video signal is generated when the gray scale of the current video signal is found to be smaller than that of the previous video signal, based on the generated gray scale data, so that the liquid crystal panel is driven with proper gray scales. More particularly, Usui et al discloses that an original gray scale signal indicated by the gray scale "10" is converted to a gray scale signal that represents the gray scale "16", for example, as shown in a broken line in Fig. 4 of Usui et al, to thereby improve the response speed. Likewise, when the gray scale signal of a certain pixel is "10" in one frame and becomes "3" in the next frame, the original gray scale signal "3" is converted to a gray scale signal "0" to improve the response speed of the liquid crystal, as shown in broken line in Fig. 4 thereof. Thus, Usui et al assumes that it is sufficient to simply increase the response speed in that the follow-up to gray scale data of the gray scale actually displayed can be enhanced by giving a maximum value of a gray scale signal when the value of the current gray scale signal is larger than a previous value and by giving a minimum value when the current value is

smaller than the previous value. However, in such case, an overshoot or undershoot would occur, as specifically described in column 6, lines 5 - 12 of Usui et al.

Irrespective of the contentions by the Examiner regarding the disclosure of Usui et al, applicants submit that Usui et al fails to disclose or teach in the sense of 35 USC 102 or 35 USC 103, the recited features of each of the independent claims of this application in relation to a correction circuit which generates a correction signal to at least one of (1) add a luminance that enables cancellation of luminance deficit caused by response delay in the display module of a gradation level if an N-th frame gradation signal is greater than a gradation level of an (N-1)-th frame gradation signal, and (2) subtract a luminance that enables cancellation of a luminance surplus caused by a response delay in the display module if the gradation level of the N-th frame gradation signal is less than the gradation level of the (N-1)-th frame gradation signal, or the corresponding features thereof. Furthermore, it is noted that irrespective of the Examiner's contentions concerning a target luminance which overshoots or undershoots based upon the correction signal, in the manner set forth in the claims of this application, applicants submit that such features are also not disclosed by Usui et al when considered in conjunction with the other features of the independent and dependent claims of this application. Thus, applicants submit that all claims of this application, as amended, patentably distinguish over Usui et al and should be considered allowable thereover.

With respect to the combination of Usui et al with Uehara et al or Shimomura et al, irrespective of the disclosures of these additional references, applicants submit that such additional references fails to overcome the deficiencies of Usui et al as pointed out above, and the suggested combination fails to provide the claimed features as set forth in the independent and dependent claims of this application in

the sense of 35 USC 103. Thus, applicants submit that all claims present in this application patentably distinguish over the cited art and should be considered allowable thereover.

In view of the above amendments and remarks, applicants submit that all claims present in this application patentably distinguish over the cited art in the sense of 35 USC 102 and 35 USC 103 and all claims should be considered allowable. Accordingly, issuance of an action of favorable nature is courteously solicited.

Applicants note that an information disclosure statement is submitted herewith and consideration of the documents is requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 501.39837X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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